

REMARKS

Claims 1 – 16 were presented for examination. In the Office Action mailed on August 9, 2004, the Examiner requires under 35 U.S.C. §121 that the application be restricted to one of three inventions:

- Group I. Claims 1 – 7 and 14.
- Group II. Claims 8 and 16.
- Group III. Claims 9 – 13 and 15.

The Examiner states that Inventions I and II, I and III, and II and III are related as subcombinations disclosed as usable together in a single combination, and that the subcombinations are distinct from each other if they are shown to be separately usable.

The Applicants respectfully traverse the restriction requirement. However, in order for this reply to be complete, the Applicants elect the claims of Group I for further examination.

As to Inventions I and II, the Examiner states that Invention II has separate utility such as negotiating between the first and second base stations for the tandem-free vocoder operation, negotiating for wideband capability between the second base station and the second remote station, discarding the narrowband PCM signal at the second base station and disabling the local vocoder at the second base station.

The Applicants respectfully submit that this subcombination has no utility separate from the feature “puncturing the narrowband digital signal with the plurality of data packets” of Claim 1 (Invention I), which is the generic form of the feature “puncturing the narrowband PCM signal with the packetized wideband speech signal” of Claim 8 (Invention II). The object of the claims is to send a wideband signal in a system that is limited to a narrowband transmission path. Within a system with such a constraint, it would be pointless to negotiate for wideband capability without a mechanism to provide such a wideband capability. Hence, the subcombination cited by the Examiner would have no utility separate from Invention I.

As to Inventions I and III, the Examiner states that Invention III has separate utility such as establishing the wideband communication session between the second base station and the target terminal by extracting the packetized wideband signal from the punctured narrowband

signal and if the wideband communication session is interrupted, establishing the narrowband communications session between the second base station and the target terminal.

The Applicants respectfully submit that this subcombination has no utility separate from the generic feature of puncturing the narrowband digital signal with the plurality of data packets, transmitting the punctured narrowband digital signal over the narrowband communication system to a second base station, and separating the narrowband digital signal from the plurality of data packets at the second base station of Claim 1 (Invention I). The inventive concept taught by the generic features of Claim 1 is taught in Claim 9 (Invention III), but Invention III has the additional feature "if the wideband communication session is interrupted, then establishing the narrowband communication session between the second base station and the target terminal." This last feature teaches the establishment of a narrowband communications session if the wideband communication session is interrupted. However, the wideband communication session in question is defined only in relation to extracting the packetized wideband signal from the punctured narrowband signal. Hence, the subcombination cited by the Examiner would have no utility separate from Invention I.

In view of the foregoing, Applicants submit that the restriction requirement be lifted from Claims 1 – 16. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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